

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 7, 2012**

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senator McKenzie, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben Adams, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 6, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 7, 2012

The JUDICIARY AND RULES Committee reports that [S 1287](#), [S 1288](#), [S 1289](#), and [S 1290](#) have been correctly printed.

DARRINGTON, Chairman

[S 1287](#), [S 1288](#), [S 1289](#), and [S 1290](#) were referred to the Resources and Environment Committee.

Senator McKenzie was recorded present at this order of business.

February 6, 2012

The JUDICIARY AND RULES Committee reports out [S 1265](#) and [S 1266](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1265](#) and [S 1266](#) were filed for second reading.

February 6, 2012

The JUDICIARY AND RULES Committee reports out [S 1215](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1215](#) was referred to the Fourteenth Order of Business, General Calendar.

February 6, 2012

The EDUCATION Committee reports out [H 382](#) and [H 384](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 382](#) and [H 384](#) were filed for second reading.

February 7, 2012

The HEALTH AND WELFARE Committee reports out [S 1255](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1255](#) was filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 6, 2012

Dear Mr. President:

I transmit herewith [HJM 7](#), [H 371](#), [HCR 31](#), [H 383](#), [H 385](#), [H 374](#), [H 375](#), [H 437](#), and [H 438](#), which have passed the House.

ALEXANDER, Chief Clerk

[HJM 7](#), [H 371](#), [HCR 31](#), [H 383](#), [H 385](#), [H 374](#), [H 375](#), [H 437](#), and [H 438](#) were filed for first reading.

February 6, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 395](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 395](#) and ordered it returned to the House.

February 6, 2012

Dear Mr. President:

I return herewith Enrolled [SJR 102](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SJR 102](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1291

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO RANGELANDS; AMENDING CHAPTER 7, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-715, IDAHO CODE, TO PROVIDE FOR THE CREATION OF THE RANGELAND CENTER IN

THE UNIVERSITY OF IDAHO, TO PROVIDE FOR THE DIRECTOR OF THE RANGELAND CENTER, TO PROVIDE DUTIES AND TO PROVIDE FOR CONTROL BY THE STATE BOARD OF REGENTS THROUGH THE DEANS OF THE COLLEGES OF NATURAL RESOURCES AND AGRICULTURAL AND LIFE SCIENCES, TO PROVIDE FOR POWERS AND DUTIES OF THE RANGELAND CENTER AND TO PROVIDE FOR A PARTNER ADVISORY COUNCIL; AMENDING CHAPTER 7, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-716, IDAHO CODE, TO PROVIDE FOR THE RANGELAND CENTER ACT; AND PROVIDING SEVERABILITY.

S 1292

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EXECUTION; AMENDING CHAPTER 27, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2716A, IDAHO CODE, TO PROVIDE THAT THE INFLICTION OF THE PUNISHMENT OF DEATH SHALL NOT BE CONSTRUED AS THE PRACTICE OF MEDICINE, TO PROVIDE CERTAIN EXEMPTIONS AND TO PROVIDE THAT CERTAIN PERSONS AND ENTITIES SHALL NOT BE SUBJECT TO CRIMINAL OR CIVIL LIABILITY FOR THE DEATH OF THE CONDEMNED PERSON; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1293

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO FEDERAL FOOD STAMPS; AMENDING SECTION 56-227D, IDAHO CODE, TO REVISE THE FELONY THRESHOLD FOR TRAFFICKING FOOD STAMPS.

S 1294

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE MEDICAL CONSENT AND NATURAL DEATH ACT; AMENDING SECTION 39-4501, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PEOPLE WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-4502, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4503, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PEOPLE WHO MAY CONSENT TO THEIR OWN CARE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PEOPLE WHO MAY GIVE CONSENT TO CARE FOR OTHERS, TO PROVIDE FOR LIMITS ON AUTHORITY FOR A SURROGATE DECISION MAKER AND TO REVISE WHO CAN BE A SURROGATE DECISION MAKER; AMENDING SECTION 39-4506, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RESPONSIBILITY FOR CONSENT AND DOCUMENTATION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-4509, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE A DEFINITION; AMENDING SECTION 39-4510, IDAHO CODE, TO PROVIDE FOR ADVANCED PRACTICE

PROFESSIONAL NURSES AND PHYSICIAN ASSISTANTS IN INCORPORATION OF A LIVING WILL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4511, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO DOCUMENTS THAT CAN REVOKE A LIVING WILL AND TO REVISE TERMINOLOGY; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4511B, IDAHO CODE, TO PROVIDE FOR SUSPENSION AND RESUMPTION OF A LIVING WILL; AMENDING SECTION 39-4512A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WHO CAN SIGN AND REVIEW A PHYSICIAN ORDER FOR SCOPE OF TREATMENT FORM, TO REVISE PROVISIONS RELATING TO WHEN A PHYSICIAN ORDER FOR SCOPE OF TREATMENT SHALL BE EFFECTIVE, TO REVISE PROVISIONS RELATING TO WHO MAY WEAR A PHYSICIAN ORDER FOR SCOPE OF TREATMENT IDENTIFICATION DEVICE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-4512B, IDAHO CODE, TO PROVIDE CODE REFERENCES, TO REVISE TERMINOLOGY AND TO PROVIDE FOR A DO NOT RESUSCITATE ORDER IN CONJUNCTION WITH THE PROVISIONS OF THIS CHAPTER; AMENDING SECTION 39-4513, IDAHO CODE, TO PROVIDE FOR A DO NOT RESUSCITATE ORDER OR PHYSICIAN ORDER FOR SCOPE OF TREATMENT IDENTIFICATION DEVICE IN IMMUNITY FROM LIABILITY AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-4514, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES, TO REVISE PROVISIONS RELATING TO PRESUMED CONSENT TO RESUSCITATION AND EXISTING DIRECTIVES AND TO REVISE TERMINOLOGY; AND AMENDING SECTION 66-405, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1295

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO REGULATION AND LICENSURE OF MASSAGE THERAPISTS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 40, TITLE 54, IDAHO CODE, TO PROVIDE PURPOSE, TO DEFINE TERMS, TO PROVIDE EXEMPTIONS, TO PROVIDE PROHIBITIONS, TO REQUIRE LICENSURE, TO ESTABLISH THE BOARD OF MASSAGE THERAPY AND TO PROVIDE FOR MEMBERSHIP, TO PROVIDE POWERS AND DUTIES OF THE BOARD, TO PROVIDE FEES, TO PROVIDE REQUIREMENTS FOR ISSUANCE OF A LICENSE, TO PROVIDE FOR ENDORSEMENT LICENSURE, TO PROVIDE FOR LICENSE RENEWAL, TO PROVIDE FOR LICENSING OF EXISTING MASSAGE PRACTITIONERS, TO PROVIDE FOR DISCIPLINARY ACTION, TO PROVIDE FOR ENFORCEMENT AND PENALTIES AND TO PROVIDE FOR PREEMPTION OF LOCAL REGULATION; AND PROVIDING EFFECTIVE DATES.

[S 1291](#), [S 1292](#), [S 1293](#), [S 1294](#), and [S 1295](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HJM 7](#), by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

[H 371](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 31](#), by Business Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

[H 383](#) and [H 385](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 374](#) and [H 375](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 437](#) and [H 438](#), by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[H 365](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [H 365](#) passed, title was approved, and the bill ordered returned to the House.

[S 1270](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—LeFavour. Total - 1.

Total - 35.

Whereupon the President declared [S 1270](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11 a.m., Wednesday, February 8, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary